THE PROCEDURE OF ADOPTION

The mother cannot give her written legal consent to the adoption until ten clear days after the birth of the baby. After a Child Welfare Officer has seen the mother, provided she seems quite ready to make such a decision, a placement is arranged. If when the mother is seen in hospital she seems undecided, it is suggested that she should leave hospital to have a further opportunity for discussion with relatives or others from whom she can seek help in reaching a decision. This gives her time to feel that she is not being pushed towards a hasty decision and that she can have time to try to think objectively about the future. However, if she concludes that adoption is what she wants for her baby an early decision will allow the baby to go quickly to its new home and parents.

The general aim in selecting applicants for the baby is to find people who seem likely to offer an upbringing which would be in keeping with the social and cultural background of the natural parents. When offered a baby the applicants are told the baby's background, care being taken nonetheless to conceal identity. It is hoped that the applicants aan gain a feeling as to whether the baby will fit into their family group. Arrangements can then be made to see the baby before making a definite decision. Having seen the baby they can commence legal formalities. It is not advisable to allow the baby to leave hospital until the mother's written consent to the adoption has been obtained because occasionally when it comes to putting pen to paper a girl may have a last minute reversal of decision, and if this occurred <u>after</u> placement there would be no alternative but to remove the baby from the applicants' care.

When the mother has given her written consent the applicants collect the baby and it is then for their solicitor to go ahead with the legal application to the Court for the adoption. He has to prepare application papers, and supporting affidavits signed by the applicants. The documents are then filed in the Court. This has to be done within twenty-eight days of a Child Welfare Officer giving approval to the placement of a baby in the home for the purpose of adoption. This approval is dated prior to or contemporaneously with the mother signing her consent. Once the application is filed in the Court a date can then be set for the hearing. On the day of the hearing the applicants go to the Court with their solicitor. The hearing is in the Magistrate's room - not the open Court. The baby is taken to the hearing which is usually very brief. A Child Welfare Officer submits a written report but is not present except at the Magistrate's request unless since the placement was made he has reason to oppose the making of the Order. If everything is in order an Interim Adoption Order is made. Then follows a period, normally not less than six months, before an application can be made for a Final Adoption Order. During this period a Child Welfare Officer visits the applicants from time to time to ensure that the placement is proceeding satisfactorily. At the close of the period the solicitor for the applicants lodges an application for an Adoption Order. The Child Welfare Officer lodges a further report at the Court and if all is in order the Adoption Order is made without further Court hearing and without the applicants having to again appear with their solicitor.

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It is on the making of the Adoption Order that the mother loses her parental right to the baby. When she signs the consent to the adoption she understands that she has signed a consent which is a legal document and is binding, but she is still the legal guardian and it is not until the Final Adoption Order is made that the adopting parents become the legal guardians and she finally loses her rights as a parent of the child.

During the period of the adoption, should the mother's circumstances change and should she wish her child to be returned to her, she does have the right to make application to the Court to withdraw her consent or have the Interim Order revoked. Normally she could only make such application if she could show evidence of an important change in her circumstances, for example that she was now marrying the natural father of her child. If it were purely the fact that she had changed her mind the Court might well not accept this as a reason. She might perhaps endeavour to prove that she had signed her consent under duress, but this is not likely to occur because care is taken not to hurry or persuade an unmarried mother into making a decision to place her child for adoption.

At the time the natural mother signs her consent a Child Welfare Officer seldom has an active part to play. The solicitor contacts the mother and she goes to see him of her own free will. If a girl was in a very disturbed state, or was distressed, a solicitor would not take her consent. If a man has been adjudged the father of the child, or has maintained the mother during her pregnancy to any extent thereby admitting paternity, an affidavit signed by him may be required by the Court to clarify his attitude to the adoption. If it is known that a couple are contemplating marriage, their views on adoption and plans for the future are fully discussed making sure that they really do want their child placed for adoption. It is then suggested to the solicitor that a consent from the natural father should be obtained. This is a safeguard in the event of the couple marrying before the making of an Adoption Order and subsequently claiming their child.

At the same time the applicants are not bound legally during the period of the adoption, before the making of the Adoption Order (Final). If through changed circumstances or for some other reason they feel unable to proceed with the adoption they can withdraw also. The responsibility for the baby then rests with the mother as she is still the legal guardian. She either has to make fresh application for the placement of her baby for adoption, arrange for its placement in care, or resume care of the baby herself, depending on her circumstances.

The baby is registered soon after birth by the mother and a copy of this birth certificate must be attached to the papers when she signs the consent. Up until the Final Adoption Order is made, this is the baby's legal name but the adoptive parents do not know this name and will call the baby the names which they have chosen.

Once the Final Adoption Order is made, the adoptive parents can obtain a birth certificate for the baby in the names chosen by them. They are named on the birth certificate as parents, or adoptive parents if they request this, and there is no reference to the baby's previous names.